

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Joseph Sabella,

Petitioner,

vs.

United States of America,

Respondent

So ordered.

/s/ Hon. Alvin K. Hellerstein
Feb. 23, 2021

Crim. No: 1:18-00015-AKH-3
Civil No: **1:20-05498-AKH**

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**MOTION FOR AN EXTENSION OF TIME TO FILE
A REPLY TO THE GOVERNMENT'S RESPONSE IN OPPOSITION**

COMES NOW, Joseph Sabella, hereinafter known as petitioner, in pro se forma, respectfully requests this Honorable Court an 'Extension of Time' in order to prepare adequately the Reply to the government's Response in Opposition filed in January 22nd 2020. (See Docket No: 740) In support thereof petitioner avers:

- 1- Petitioner received the "Motion in Opposition" filed by the government a week after it was filed. The government's response consists of 16 pages. The response covers all the arguments as originally submitted in the 2255 petition. (See Docket No: 699)
- 2- The institution where petitioner is currently held is under Covid-19 restrictions since March 2020. Jesup FCI is a medium security penitentiary. Since these Covid-19

restrictions, there is limited or no access to the law library. Everyone is constrained to their assigned unit until further notice.

3- Petitioner is pro se litigant, a layman ignorant of the law. The limited access to the law library and BOP Covid-19 restrictions imposed by the BOP, are the two reasons for requesting more time to adequately prepare the Reply. Additionally, it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read 'to raise the strongest arguments that they suggest.' See, *Harris v. Mills*, 572 F.3d 66, 72 (2nd Cir. 2009); see generally *Haines v. Kerner*, 404 U.S. 519, 520-521 (1972) (per curiam).

4- Based on the above, petitioner seeks and extension of time of forty-five (45) days to file the Reply to the government Response in Opposition in the instant 2255 proceedings. Moreover, the time requested is necessary to prepare and adequate reply to the government's Response in Opposition. See, *Pro Se Handbook –Computing and Extending Time Process; Rule 6 (b)*.

WHEREFORE, for the foregoing reasons, petitioner prays this Honorable Court grants the following pro se request for an extension of time and/or grants any other relief this courts deems proper.

File on the 9 day of February 2021

Respectfully Submitted



Joseph Sabella

Petitioner Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, under penalty of perjury that the following “Motion for an Extension of Time” is correct and true. Furthermore, a copy thereof was sent via mail to the United States Attorney’s Office located at 100 State Street Suite 500 Rochester, NY 14614.


Joseph Sabella

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Jesup – FCI
2680 301 South
Jesup, GA 31599

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Clerk of Court

Daniel Patrick Moynihan

US Courthouse

500 Pearl Street

New York, New York

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